



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 21 2016

CERTIFIED MAIL 7014 2870 0000 3318 2954
RETURN RECEIPT REQUESTED

Douglas Guy, VP of Construction
Standard Pacific of Florida GP, Inc.
220 West New England Avenue, Suite 220
Winter Park, Florida 32789

Re: Notice of Violation
Bradford Creek Subdivision
National Pollutant Discharge Elimination System Permit No.: FLR100000
Identification No: FLR10PG37

Dear Mr. Guy:

On March 25, 2015, the U.S. Environmental Protection Agency Region 4, the Florida Department of Environmental Protection (FDEP), and Orange County conducted a Compliance Stormwater Evaluation Inspection (CSWEI) at the construction site known as Bradford Creek Subdivision, located at North of Vineland Road and Roper Road, Winter Garden, Orange County, Florida 34787 (Site) of which Standard Pacific of Florida GP, Inc. (Standard Pacific) is the owner and/or operator. The purpose of the CSWEI was to evaluate Standard Pacific's compliance with the requirements of Sections 301 and 402(p) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1342(p); the regulations promulgated thereunder at 40 C.F.R. § 122.26; and the State of Florida's Generic Permit for Stormwater Discharge from Large and Small Construction Activities, National Pollutant Discharge Elimination System Permit FLR100000 (Permit) effective February 2015.

The CSWEI, as described in the inspection report enclosed herewith as Enclosures A-1 and A-2, Standard Pacific's response to the EPA's June 19, 2015, CWA Section 308 Information Request, and subsequent investigative efforts have revealed that Standard Pacific failed to comply with the requirements of Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p), its implementing regulations at 40 C.F.R. § 122.26, and the Permit. Specifically, the EPA has identified the following violations:

1. *Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except as in compliance with a National Pollutant Discharge Elimination System Permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342(a).*

Pursuant to Section 1.1 of the Permit a NPDES stormwater construction permit is required when disturbing one or more acres of land. More than one acre of land was disturbed by construction activities at the Site.

- a. Vertical construction was active at the time of inspection in March 2015, the Notice of Intent (NOI) for coverage under the Permit was not submitted until May 5, 2015. The FDEP acknowledged permit coverage on May 14, 2015, with an effective date starting on May 17, 2015, with Identification Number FLR10PG37. Based on the Permit effective date and the start of construction date of March 17, 2014, as stated in the Storm Water Pollution Prevention Plan (SWPPP), Standard Pacific commenced construction at least 426 days prior to permit coverage.
 - b. The NOI submitted by Standard Pacific identified the Site's receiving water as an unnamed wetlands. The SWPPP prepared for the Site explains that the stormwater from the Site is directed through the stormwater management system, to an onsite detention pond and then discharged to the unnamed wetlands.
2. *Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA.*
- a. Following the March 25, 2015, inspection, the EPA sent a CWA Section 308 Information Request, dated June 19, 2015, to Standard Pacific. In response, Standard Pacific submitted information dated July 16, 2015 and August 5, 2015, however Standard Pacific failed to fully respond to Question 11: "... copy of all reports of inspections conducted from September 1, 2014 through June 1, 2015..." Standard Pacific submitted copies of inspection reports from March 4, 2015 through May 6, 2015, but omitted reports covering the time period from September 1, 2014 to March 3, 2015 and May 7, 2015 to June 1, 2015.
 - b. The EPA subsequently notified Standard Pacific on November 16, 2015, and again on January 20, 2016, that the reports were missing and requested that copies of the omitted inspection records be sent to the EPA. To date, Standard Pacific has not submitted the requested information and therefore failed to comply with Section 308 of the CWA.

In addition to the above violations, the following deficiencies were observed at the time of the inspection while the EPA is not alleging that these deficiencies were violations at the time of inspection the EPA would like to ensure that these deficiencies do not remain unaddressed and result in violations:

1. The SWPPP requires protection downstream of an active lot. At the time of inspection, there was an inlet unprotected located in front of Lot #4 downstream of active Lot #2. (See Photo DSCN1409).
2. Lot with house number 14186 was un-stabilized. Grounds around the pond area were also un-stabilized. (See Photo DSCN1406, 1432, and 1433).
3. The SWPPP requires portable toilets to be located at least 5 feet from curb. At the time of inspection, portable toilets were less than 5 feet from curb at Lot #42 (See Photo DSCN1407), and Lot #2 (See Photo DSCN1409, 1410).

Until compliance with the CWA is achieved, Standard Pacific is considered to be in violation of the CWA and may be subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

Please contact Mr. Michael Hom, Environmental Engineer at (404) 562-9748 or via email at hom.michael@epa.gov if you have any questions or concerns. Legal inquiries should be directed to Ms. Wilda Cobb, Attorney Adviser at (404) 562-9530 or via email at cobb.wilda@epa.gov.

Sincerely,



James D. Giattina
Director
Water Protection Division

Enclosure

cc: Jessica Kleinfelter
Florida Department of Environmental Protection

Dan Homblette
Orange County

Jeffrey S. Longworth
Barnes & Thornburg LLP



U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW, Atlanta, GA 30303
Water Compliance Inspection Report

FACILITY DATA

NPDES ID: FLR10PG37

Effective Date: 5/17/2015

Expiration Date: 5/16/2020

Facility Name: Bradford Creek Subdivision

Address: North of Vineland Road and Roper Road, Winter Garden, Orange County, FL 34787

On-Site Representative(s), Title, Phone Number:

Matthew Bojanowski, Area Construction Manager
 Standard Pacific of Florida GP, Inc.
 220 West New England Ave Suite 220
 Winter Park, Florida 32789

Responsible Official, Title, Phone Number, Mailing Address:

Douglas Guy, VP of Construction
 Standard Pacific of Florida GP, Inc.
 220 West New England Ave Suite 220
 Winter Park, Florida 32789
 407-645-6512

INSPECTION ENTRY DATES/TIMES

Entry Date/Time: 3/25/2015 8:45 AM

Exit Date/Time: 5/25/2015 9:34 AM

NAMES OF EPA AND STATE INSPECTORS

Tara Houda, EPA

Mary Lawrence, FDEP

Michael Hom, EPA

Efren Vazquez, Orange County

AREAS EVALUTAEED DURING INSPECTION (Check those areas evaluated)

<input checked="" type="checkbox"/>	Permit	<input type="checkbox"/>	Self-Compliance Program	<input type="checkbox"/>	Pretreatment
<input checked="" type="checkbox"/>	Records/ Records	<input type="checkbox"/>	Compliance Schedule	<input type="checkbox"/>	Pollution Prevention
<input checked="" type="checkbox"/>	Facility Site Review	<input type="checkbox"/>	Laboratory	<input checked="" type="checkbox"/>	Storm Water
<input type="checkbox"/>	Effluent/ Receiving Waters	<input type="checkbox"/>	Operations & Maintenance	<input type="checkbox"/>	Combined Sewer Overflow
<input type="checkbox"/>	Flow Measurement	<input type="checkbox"/>	Sludge Handling/ Disposal	<input type="checkbox"/>	Sanitary Sewer Overflow

INSPECTION NOTES

See attachment.

USEPA REPRESENTATIVES

Inspector Signature/Name	Office/Phone Number	Date
 Tara Houda, Env Scientist	USEPA Region 4/WPD-NPEB 404-562- 9762	3/15/2016
 Michael Hom, Env Engineer	USEPA Region 4/WPD-NPEB 404-562-9748	3/17/16
Management Signature/Name	Office/Phone Number	Date
 Dan O'Lone, Stormwater and Residuals Enforcement Section Chief	USEPA Region 4/WPD-NPEB 404-562-9434	3/16/2016

Enclosure A-1
NPDES Construction Stormwater Worksheet (Florida)

1. FACILITY LOCATION INFORMATION

GPS Coordinates	Lat (dec)		28.537528	Long (dec)	-81.589333	
Receiving Water(s) or MS4	Unnamed wetlands			Weather Condition: clear, mid 60s		
Total site area acres & disturbed acres	~16.7	~11	Construction Start Date	3/17/2014	Construction End Date	3/16/2019
NOI or Coverage Letter posted Part III.C.2	NO		Date of NOI	5/5/2015	Discharge to 303(d) listed or TMDL waters?	NO

2. BASIC SWPPP INFORMATION

SWPPP TOPICS	Evaluation
SWPPP on site or as specified in NOI? Part VI.B (<i>Part 4.4'</i>) (SWPPP was with Alpha representative)	NE
SWPPP certified? Part V.B.a (<i>Part 4.6</i>)	YES
SWPPP modified or update to current conditions? Part V.C (<i>Part 4.5</i>)	YES
SWPPP identifies all contractors/subcontractors with certification? Part V.D.6 (<i>Part 4.7</i>)	YES
SWPPP identifies all potential sources of pollutants? Part V.A (<i>Part 4.7</i>)	YES
Construction schedule describes the intended sequence and implement date of BMPs? Part V.D.1.b (<i>Part 4.7</i>)	YES
Direction of stormwater flows and slopes identified on map? Part V.D.1.e (<i>Part 4.7</i>)	YES
Major structural and nonstructural BMP controls located on map? Part V.D.1.e (<i>Part 4.7</i>)	YES
Name of receiving water(s)/wetland(s) or MS4 listed on map? Part V.D.1.e (<i>Part 4.7</i>)	YES
Stormwater discharge/outfall location(s) identified on map with lat-long? Part V.D.1.e & f (<i>Part 4.7</i>)	YES
Address post-construction stormwater management measures? Part V.D.2.b (<i>Part 5.7</i>)	YES
BMP maintenance requirements consistent with permit & good engineering practices? Part V.D.3 (<i>Part 5.3</i>)	YES
A copy of the SWPPP may be brought back to the office for a complete review	

3. SITE DESCRIPTION and SWPPP

- See comments below.

4. RECORDS REVIEW

Records Review	Evaluation
Representative on-site?	YES
Records (SWPPP/reports/documentation) available on-site? Part VI.B (Part 4.4)	NE
Stabilization measures initiated within 7 days after construction has ceased in an area? Part V.D.2.a.(1) (Part 5.4)	NE
Inspections conducted once/7 days & within 24 hrs after ≥ 0.50 in of rain? Part V.D.4. (Part 6.1)	YES
Inspections conducted by qualified personnel of discharge points, disturbed areas without final stabilization, areas for storage of materials exposed to precipitation, structural controls, entrance/exit? Part V.D.4 (Part 6.2)	YES
Inspection reports complete and adequate? (ID non-compliance or certification of compliance) Part V.D.4.c (Part 6.3)	YES
Inspection reports signed & certified? Part VII.C (Part 6.3)	YES
Date of the latest inspection report and brief description of findings <ul style="list-style-type: none"> • Sweep streets active areas; previous responsive action items were addressed. 	5/6/2015
Maintenance/corrective actions taken within 7 calendar days of inspection? Part V.D.4.b (Part 6.4) (see comment below)	NO

5. OUTFALL, STORMWATER DISCHARGE & RECEIVING WATER OBSERVATIONS

Outfall, Stormwater Discharge & Receiving Water	Evaluation	Comments
Number & location of stormwater discharge(s)/outfall(s) consistent with the SWPPP?	YES	One outfall at Lat: 28.538778 Long: -81.588056.
Evidence of off-site accumulation of sediment observed in receiving water?	NO	
Other discharges or potential discharges off-site (not through permitted outfalls)?	NO	
Non-stormwater discharge observed?	NO	

Enclosure A-1

6. FIELD EVALUATION & SWPPP IMPLEMENTATION		
Structural Practices Part V.D.2 Part V.D.2.a.(2) (Part 5.5)	Check BMPs Listed in the SWPPP	Note location, quantitative description, design issue, O&M deficiencies (including the nature and extent), and sediment off-site
Silt Fences	NE	
Storm Drain Inlet/Outlet Protection (Specify: Filter Fabric, Gravel Bags, etc.)	YES	<i>SWPPP requires protection downstream of active lot. At time of inspection, inlet unprotected located front of Lot #4 downstream of active Lot #2. See Photo DSCN1409.</i>
Sedimentation Basin (required for every 10 disturbed acres drained or equivalent controls) Part V.D.2.a.(3) (Part 5.6)	YES	
Other Structural Practices	NE	
Stabilization Practices Part V.D.2.a.(1) Part V.D.3 (Part 5.4)	Check BMPs Listed in the SWPPP	Temporary or permanent stabilization must be initiated w/in 7 days on portions of site where construction activities have temporarily or permanently ceased
Seeding	NE	
Mulching	YES	Lot with house number 14186 has un-stabilized areas. Grounds around pond area were un-stabilized. See Photo DSCN1406, 1432, and 1433.
Sodding	NE	
Geotextiles	NE	
Other Stabilization Practices	NE	
Other BMP Controls to Reduce Pollutants	Check BMPs Listed in the SWPPP	Comments
Proper Disposal of Construction Debris, Chemicals, Litter& Sanitary Waste Part V.D.2.c.(1) (Part 5.2)	NE	
Off-site Vehicle Tracking or Dust Control Part V.D.2.c.(2) (Part 5.3)	NE	
Proper Storage & Control of Toxic Substances (ie, paint, solvents, petroleum, etc.)	YES	

Enclosure A-1

Part V.D.2.c.(5) (Part 5.2)		
Concrete Wash Down Control	YES	Concrete and paint washout located on east side of site. See Photo DSCN1415. Silt fence failure and paint washout lacked liner.
Other Practices (ie, truck wash area, fueling containment, control areas for maintenance, & SPCC)	YES	<i>SWPPP requires portable toilet be located at least 5 feet from curb. At time of inspection, portable toilets were less than 5 feet from curb at Lot #42 (Photo DSCN1407), and Lot #2 (Photo DSCN1409, 1410).</i>
Exit interview conducted with: Douglas Guy, VP of Construction; Bryan Pippin, Construction Manager		
Additional inspection summary, narrative, findings, comments, etc, as necessary: <ul style="list-style-type: none"> During exit interview, items discussed: <ul style="list-style-type: none"> Un-stabilized lots Portable toilets locations too close to curbs Missing inlet protection Missing paint washout liner Silt fence around concrete washout needs repair Information on site was not sufficient to complete inspection checklist. Clean Water Act (CWA) Section 308 Request for Information letter was sent to Standard Pacific on June 19, 2015. Response received on July 16, 2015 and August 5, 2015. CWA Section 308 Information: <ul style="list-style-type: none"> Bradford Creek SD divided into 2 phases – Phase 1 is on the west side of County Road 535 (Winter Garden Vineland Rd) with an area of 11 ac; 48 lots. Phase 2 is on the east side with an area of 23.1 ac; 70 lots. Standard Pacific of Florida GP, Inc. is the owner and developer of the site. Copy of NOI and FDEP acknowledgement, Permit No. FLR10PG37 dated May 14, 2015. Copy of SWPPP, dated 3/10/2014, for Phase 1 submitted. Prepared by Alpha Environmental Management Corp, LLC <i>Copy of Alpha inspection reports from March 4, 2015 through May 6, 2015 (Section 308 request for information asked for inspection reports from September 1, 2014 through June 1, 2015).</i> Copy of rainfall log. Copy of certificates of stormwater management inspectors. Copy of certification statements from contractors and subcontractors (submitted August 5, 2015) Inspection reports signed by Alpha and Standard Pacific representatives. <i>Vertical construction was active at the time of inspection, although the NOI was submitted on May 5, 2015 and FDEP acknowledged permit coverage on May 14, 2015. CWA Section 301 requires permit for discharge. Site is under new FDEP GP effective February 2015.</i> <i>The inspection reports documented that responsive actions were not corrected within the 7 day SWPPP requirement (page 22) when identified during inspections on March 11, 18, and 25, 2015.</i> <i>SWPPP requires portable toilet be located at least 5 feet from curb. At time of inspection, portable toilets were less than 5 feet from curb at Lot #42 (Photo DSCN1407), and Lot #2 (Photo DSCN1409, 1410).</i> 		

**Standard Pacific: Bradford Creek
Stormwater Inspection
FLR**

March 25, 2015
US EPA - Region 4



Overview Map



Enclosure A-2

DSCN1406.JPG

DSCN1406.JPG



Attributes

Description: Un-stabilized areas house number 14186.

DSCN1407.JPG



Attributes

Description: Portable toilet less than 5 ft of curb. Lot #42.



Attributes

Description: Lot #42.

DSCN1409.JPG



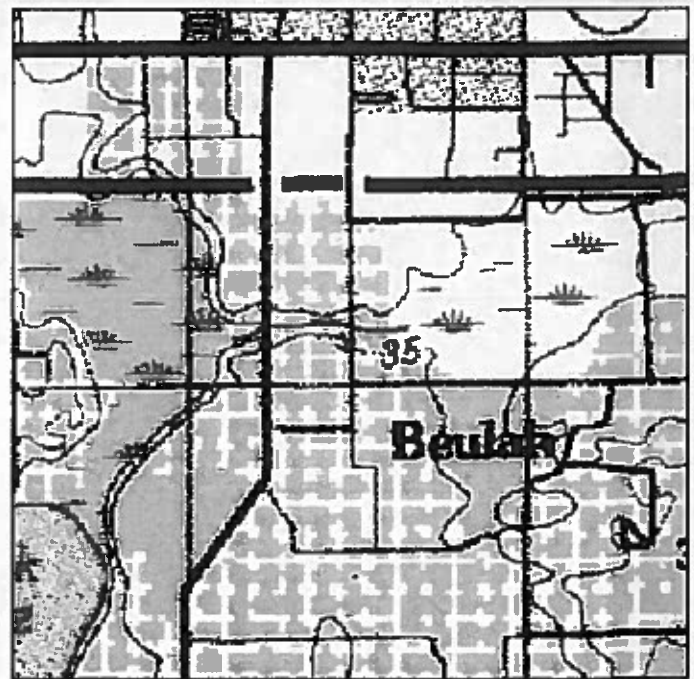
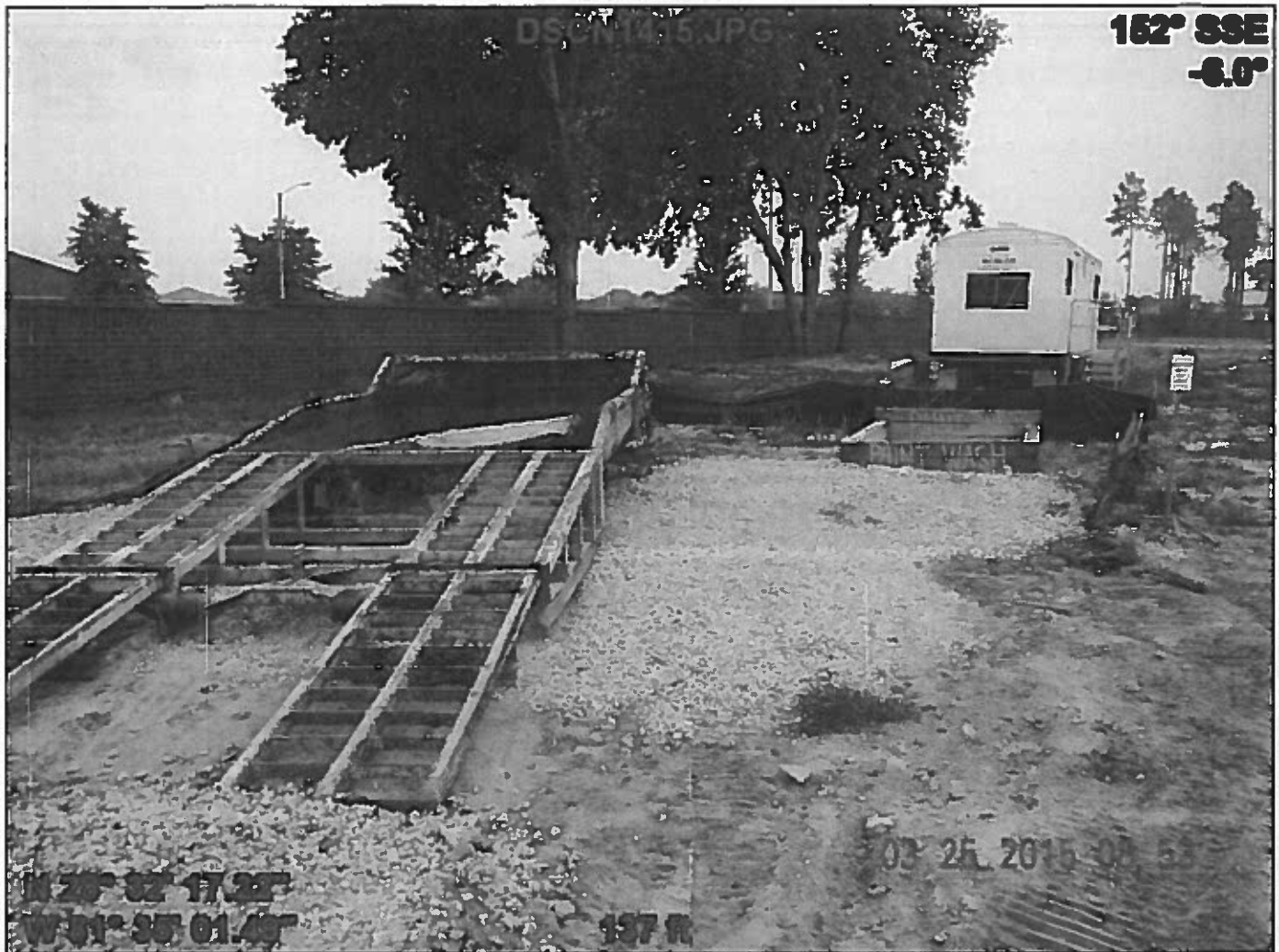
Attributes

Description: Lot #2 in background showing portable toilet less than 5 ft of curb. Foreground showing unprotected inlet at Lot #3 and #4.



Attributes

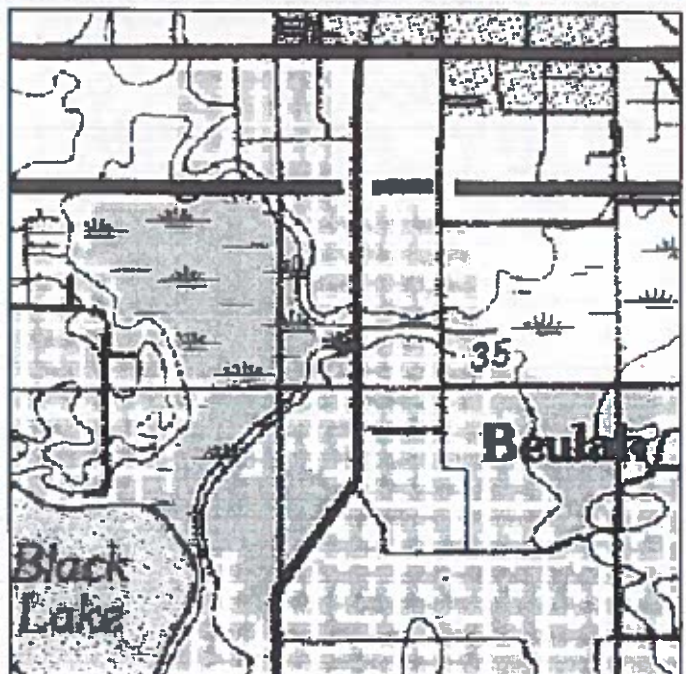
Description: Portable toilet less than 5 ft of curb. Lot #2.



Attributes

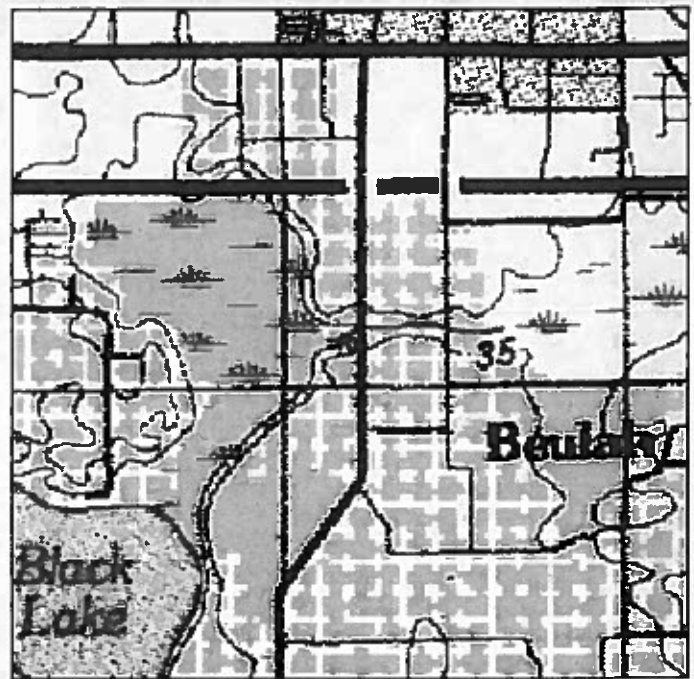
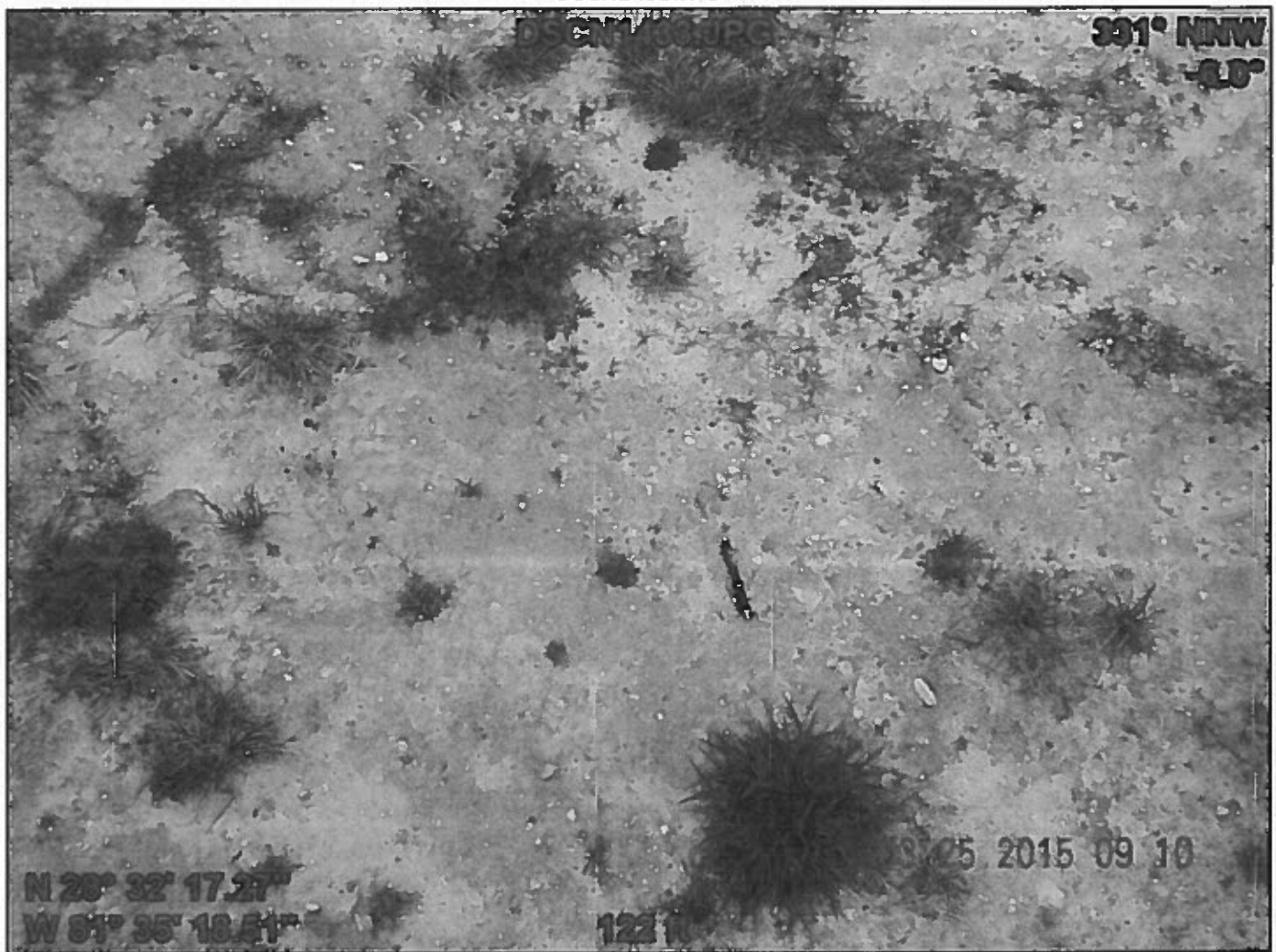
Description: Concrete and paint washout location on east side of site. Silt fence failure. Paint washout lacked liner.

Enclosure A-2
DSCN1432.JPG



Attributes

Description: un-stabilized area near detention pond.

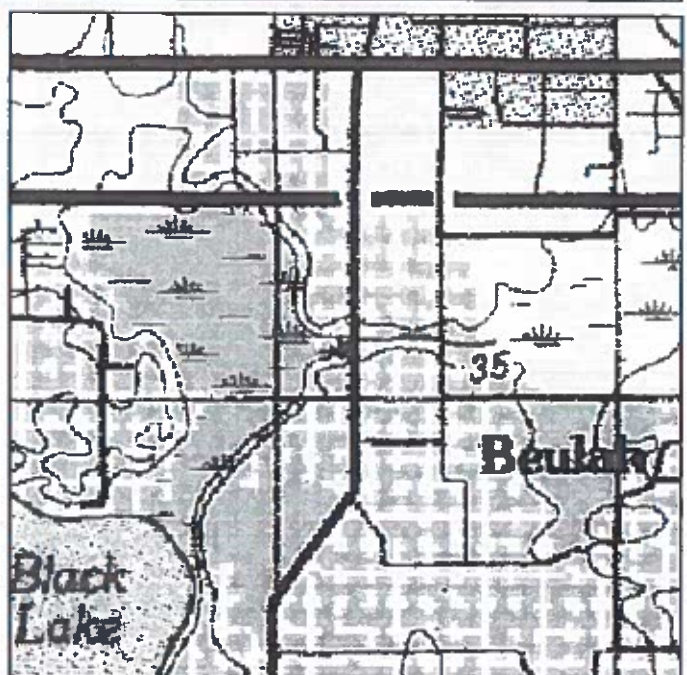


Attributes

Description: close up of un-stabilized area near detention pond.

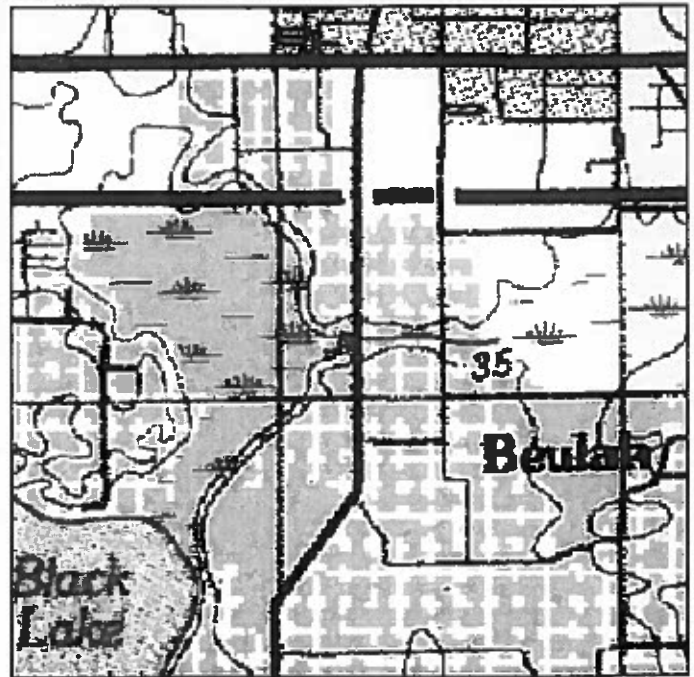
Enclosure A-2

DSCN1434.JPG



Attributes

Description: outfall structure of detention pond.



Attributes

Description: general location of detention pond discharge into receiving water.